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Attorneys for Defendant

19 UNITED STATES DISTRICT COURT
20 NORTHERN DISTRICT OF CALIFORNIA

21 PAUL BENSI, BART FLORENCE, JERRY)
22 KALMAR, and LYLE SETTER, in their)
23 capacities as Trustees of the STATIONARY)
24 ENGINEERS LOCAL 39 PENSION)
25 TRUST FUND,)

Plaintiffs,

v.

26 EDEN MEDICAL CENTER, a California)
27 Corporation,)
28 Defendant.)

Case No.: 11-cv-4008 JSW

**STIPULATED DISMISSAL OF CASE
WITHOUT PREJUDICE AND
~~PROPOSED~~ ORDER**

29 Pursuant to Federal Rule of Civil Procedure 41(a)(1)(A), Plaintiffs Paul Bensi, Bart
30 Florence, Jerry Kalmar, and Lyle Setter, in their capacities as Trustees of the Stationary
31 Engineers Local 39 Pension Trust Fund, and Defendant Eden Medical Center, through their

1 respective attorneys of record, hereby stipulate and agree that the above-captioned matter and
2 all claims for relief therein may be dismissed without prejudice in its entirety. Each party to
3 bear its own costs and fees.

4
5 **IT IS SO STIPULATED:**

6
7 Dated: May 1, 2013

WEINBERG, ROGER & ROSENFELD
A Professional Corporation

9 By /s/ Linda Baldwin Jones
10 LINDA BALDWIN JONES
11 EZEKIEL D. CARDER
12 Attorneys for Plaintiffs
13 PAUL BENSI, BART FLORENCE,
14 JERRY KALMAR, and LYLE SETTER,
15 in their capacities as Trustees of the
16 STATIONARY ENGINEERS LOCAL 39
17 PENSION TRUST FUND

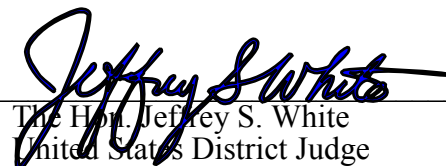
18
19 Dated: May 1, 2013

WILSON, ELSE, MOSKOVITZ, EDELMAN &
DICKER, LLP

20 By /s/ Donald P. Sullivan
21 DONALD P. SULLIVAN
22 Attorneys for Defendant
23 EDEN MEDICAL CENTER

24
25 **PURSUANT TO STIPULATION, IT IS SO ORDERED:**

26
27 Date: May 2, 2013

28

The Hon. Jeffrey S. White
United States District Judge

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